

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA CHAPTER 4  
ALCOHOLIC BEVERAGES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 4 of the Code of the City of Lawrenceville, Georgia is hereby amended by deleting Chapter 4 – Alcoholic Beverages in its entirety and replacing it with the following:

**Chapter 4 ALCOHOLIC BEVERAGES**

***ARTICLE I. IN GENERAL***

**Sec. 4-1. Sale within City limits; license a privilege; severability.**

- (a) Alcoholic beverages may only be sold in the City of Lawrenceville under a license granted by the City Manager upon the terms and conditions provided in this chapter.
- (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and State law.
- (c) All licenses issued pursuant to this chapter shall have printed on the front these words: "THIS LICENSE IS A PRIVILEGE SUBJECT TO BE REVOKED AND ANNULLED AND IS SUBJECT TO FURTHER ORDINANCES WHICH MAY BE ENACTED."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the State before any sales commence. Additionally, City licensees are required to abide by all applicable State regulations and laws.
- (e) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the City to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or up to 30 days in jail.
- (f) Severability. Should any part, paragraph or portion of this chapter be declared invalid for any reasons by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this chapter not so declared to be invalid, but all such remaining portions of this chapter shall remain in full force and effect as if they were separately adopted.

## **Sec. 4-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

*Alcoholic frozen consumables* means a frozen consumable that contains any measurable amount of ethyl alcohol, which is regulated by and in accordance with Georgia Department of Revenue Policy Bulletin ATD-2019-01.

*Art shop* means a retail business located in the Downtown Entertainment District devoted exclusively to providing art education limited to instruction in painting, sculpture, and similar crafts. An art shop may also sell portraits, paintings, sculptures, art supplies, and similar crafts or display for viewing portraits, paintings, sculptures and similar artwork. An art shop shall not allow any activities that would cause the business to be an adult entertainment establishment, as defined in section 12-401.

*Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. Also included are beverages known as nonalcoholic beer, which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Brewer* means a manufacturer of beer or malt beverages.

*Brewpub* means a restaurant in which beer or malt beverages are manufactured or brewed, subject to State law barrel production limitations.

*Church* means a permanent building where persons regularly assemble for religious worship.

*City Manager* means the person holding the official title of Manager for the City or the Manager 's designee.

*Distilled spirits or spirituous liquor* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

*Distiller* means a manufacturer of distilled spirits or spirituous liquor.

*Fixed salary* means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Food* means prepared meals or individual items that are required to be cooked, heated, or prepared on-site and does not include pre-packaged or processed items that are purchased and do not require preparation on-site.

*Fortified wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

*Frozen consumables* means ice cream, frozen yogurt, frozen custard, popsicles or other frozen consumable or edible products.

*Governing authority* means the Mayor and City Council of the City of Lawrenceville.

*Growler* means a reusable container used to transport draft beer or wine for off-premises consumption that is not to exceed 68 ounces and not less than 12 ounces and is filled with beer or wine from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the City or holding a license as a growler shop subject to the provisions of section 4-151.

*High gravity beer* means any beer or malt beverage containing six percent or more alcohol by volume.

*Hotel* means any building or other structure providing sleeping accommodations for hire to the general public. Such hotels shall maintain a minimum of 75 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

*Indoor commercial recreational establishment.*

- (1) The term "indoor commercial recreational establishment" means and is limited to an establishment which:
  - a. Regularly serves prepared food, with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by

the Gwinnett County health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and

- b. Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.
- (2) The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Neither outdoor commercial recreational activities, nor concession stand sales of alcoholic beverages are permitted under this provision. Dance halls, nightclubs, taverns, billiard parlors, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments. Furthermore, no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the State.
  - (3) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment, or 200 square feet whichever area is smaller.
  - (4) Notwithstanding the limitations set forth in this definition, indoor commercial recreational establishments are allowed to have no more than two billiard tables in the establishment.

*Indoor publicly owned civic and cultural center* means and is limited to publicly owned establishments which the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. The term "indoor publicly owned civic and cultural center" includes the City-owned Depot Building, the, the City owned Lawrenceville Arts Center and the Historic Courthouse.

*Indoor special event facility* means a privately-owned commercial establishment which:

- (1) Provides a gathering space for rental purposes for special events;
- (2) Serves prepared food at every event held at the facility at which alcohol is consumed and has a food or catering preparation area consisting of a sink and warming unit(s), where food is prepared and/or staged;
- (3) Charges a rental fee for use of the event facility for special events;

- (4) Has at least 3,000 square feet of enclosed heated space;
- (5) Has an occupant capacity of at least 200 people;
- (6) May allow professional, live, or musical entertainment to be performed on-site indoors during a private special event or a properly permitted special event; and
- (7) Does not allow sexually related adult entertainment as defined in City of Lawrenceville Ordinances Chapter 12 to be performed in the event facility.

The primary activity on the premises of the indoor special event facility shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to: corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, as defined in City of Lawrenceville Ordinances Chapter 12 and similar uses are specifically excluded from this definition of indoor special event facility.

*License* means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

*Licensed location* means a location for which the City of Lawrenceville has issued a permit allowing the sale of alcoholic beverages.

*Licensee* means the individual to whom a license is issued or the person designated by the application and approved by the City Manager to be responsible for the day to day operations of a licensed establishment to whom a license is issued or, in the case of closely held partnerships or corporations, all partners, officers, and directors of the partnership or corporation.

*Liter* means the metric measurement currently used by the United States.

*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

*Package* means a bottle, can, keg, barrel, growler or other original consumer container.

*Performing arts facility* means and is limited to an establishment:

- (1) Which is located in the Downtown Entertainment District;
- (2) Which operates in a building owned by the City of Lawrenceville;
- (3) Which has as its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and
- (4) Which does not feature, show, allow, promote or advertise adult businesses as defined and regulated in chapter 12, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.

*Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

*Pouring permit* means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed to serve beer, wine, or liquor for consumption on site (which shall specifically include brewers and distillers if they serve for consumption on site as allowed under Georgia law).

*Private club* means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
  - a. A suitable kitchen and dining room space and equipment;
  - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
  - c. Has no member, officer, agent or employee, directly or indirectly, receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary as established by its members at any annual meeting or by its governing board out of the general revenue of the club; except that for the purposes of this section, tips which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Restaurant.*

- (1) The term "restaurant" means any public place selling prepared food for consumption by the public on the premises with a full-service kitchen. A full-

service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the Gwinnett County Health and Fire Departments. A restaurant will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcoholic beverages. A restaurant shall not be permitted to charge a cover charge or fee of any kind for entrance into the premises or into any part of the premises.

- (2) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have dancing, provided that the dancing is limited to a dance floor area of five percent of the public floor space of the establishment or 200 square feet, whichever area is smaller.
- (3) Notwithstanding the limitations set forth in this definition, restaurants are allowed to have no more than two billiard tables in the establishment.

*Retail consumption dealer* means any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale.

*Retail package dealer* means any person who sells unbroken packages, at retail, only to consumers and not for resale.

*School building or educational building* shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and are accredited by the state or federal government.

*Sports club* means an association or corporation organized and existing under the laws of the State, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the City at least two years prior to an application for license under this chapter. The two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

*Vintner* means a manufacturer of wine. This includes a manufacturer of fortified wine if not considered a distiller.

*Wholesaler or wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

**Secs. 4-3—4-22. Reserved.**

## ***ARTICLE II. APPLICATION AND FEES***

### **Sec. 4-23. License application, form and contents and advertising requirements.**

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the City Manager. Separate applications must be made for each location and separate licenses must be issued.
- (b) The application shall include, but not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers; the names and address of the registered agent for service of process; the name and address of the manager; and the name of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City Manager and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the City, applicable county regulations, the State Revenue Commissioner, and the State. The proposed building shall also be subject to final inspection and approval when completed by the Building Inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are visible. Each applicant for an alcoholic



beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers therein.

(e) Licensing qualifications.

- (1) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or to any person who is not lawfully admitted and lawfully residing in the United States.
- (2) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all partners, officers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least ten percent of the partnership; or if the no partner owns ten percent then the general partner, managing partner or the partner with the greatest ownership will be licensed.
- (3) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City Manager that such person, partners, partners in the firm, officers, and directors of the corporation and on-site managers have not been convicted or pled guilty or entered a plea of nolo contendere to any felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county ordinance shall not, by itself, make a person ineligible for an alcohol license. An applicant who is found to have falsified an application or any information therein shall be denied a permit.
- (4) Any licensee who is convicted or pleads guilty or pleads no lo contender to a felony or any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime shall have the license immediately revoked and canceled.

- (5) It shall be unlawful for any City employee involved in the issuance of alcoholic beverage licenses under this article or elected City Official to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
  - (6) No license for the sale of alcoholic beverages shall be granted to any person who has had any City license revoked within two years prior to the filing of the application.
  - (7) The City Manager may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the licensing qualifications set forth in this section.
  - (8) All applicants for an alcoholic beverage license must be of good character and all operators, managers, clerks, or other employees shall be of like good character. Corporate or firm applicants shall be of a good business reputation.
  - (9) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
  - (10) The City Manager may in the Manager 's discretion consider extenuating circumstances which may reflect favorably or unfavorably upon the applicant, application, or the proposed location of the business. If in the Manager 's judgment the circumstances are such that granting the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (f) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the final date of such denial.
  - (g) All licensees shall list in their application their home address, home telephone number and places of employment. Thereafter, if any person other than the one listed in the application as manager shall be employed as manager, the name, address, and telephone numbers of the new Manager shall be filed with the City Manager within three days of the date of such employment.
  - (h) Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative cost. The City Manager shall have a complete search made of any police record of the applicant based on the information given in the application. Any person applying for more than one license shall

pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code.

- (i) Advertisement of intent to engage in business; signs posted. All applicants desirous of obtaining a license for the sale of alcohol shall give notice at their expense of the making of an application by advertisement at least twice a week for two consecutive weeks, said advertisement to begin no later than ten days following submission of the application required by this section, application; form; content; process; deposit. The advertisement shall be published in the newspaper in which the legal advertisements of the City are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten percent of any class of corporate stock therein, and the date the application was filed with the City Manager . The advertisement shall contain the following additional statement:

"AN APPLICATION HAS BEEN FILED ON (date) WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO OPERATE \_\_\_\_\_ AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE."

- (1) Tear sheets and a publisher's affidavit shall be furnished to the City by the applicant(s) prior to the applicant's application being considered complete.
- (2) The applicant shall cause to be placed at their expense upon the location of the proposed business no later than ten days following submission of the application, a sign or signs stating the following:

AN APPLICATION HAS BEEN FILED ON (date) WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE FOR A LICENSE TO SELL \_\_\_\_\_. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CITY MANAGER OF THE CITY OF LAWRENCEVILLE."

- (3) The sign or signs required by subsection (i)(2) of this section shall be constructed

of wood or metal and shall be placed with the base of the sign not more than three feet from the ground and shall be not less than 36 inches by 36 inches in size and shall face toward all public streets, alleys, sidewalks, or other public property adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen, and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be required to comply with the requirements of article 10 of the zoning ordinance pertaining to signs.

- (4) The advertising requirements of this section shall not be required for license renewals or in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five years of the date of the application for license.

#### **Sec. 4-24. Withdrawal of application.**

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this article.

#### **Sec. 4-25. Expiration; renewal of license.**

- (a) All licenses granted under this article shall expire on March 1 of each year. Licensees who desire to renew their licenses shall file applications with the requisite fee with the City Manager on the form provided for renewal of the license for the ensuing year. All renewal applications shall contain an affidavit confirming that the information set forth on the initial application and the criminal history information of the applicant remains true and correct or shall provide an update for any information that has changed since the initial application or last renewal. Applications for renewal must be filed on or before January 31 of each year. Any renewal applications received after January 31 shall be subject to, in addition to the annual fee, a late charge of 20 percent. If the license application is received after March 1, such application shall be treated as an initial application and the application shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after March 1, investigative and administrative cost will be assessed. The establishment shall immediately stop selling alcohol and remove all alcoholic beverages offered for sale on the premises on March 2 of each year unless the establishment has applied for and received a renewal of its license.
- (b) All licenses granted under this article shall be for a period of no more than one year and shall expire on March 1 of each year. The full license fee must be paid for a license application filed prior to September 1 of the licensed year. One-half of a full license fee shall be paid for a license application filed after September 1 of the license year, except for

applications for temporary or event licenses authorized under this article.

**Sec. 4-26. Automatic license forfeiture for non-use.**

Any holder of any license under this article who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and sale of the products authorized shall, after the three-month period, automatically forfeit the license without the necessity of any further action.

**Sec. 4-27. Transferability of license.**

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) Nothing in this section, however, shall prohibit one or more of the partners holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.
- (c) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this article automatically, without the necessity of any hearing.
- (d) Violation of this section shall result in revocation of the license being used and a fine on both the new ownership and the old ownership of not less than \$1,000.00 and/or one year in jail. No license will be issued to the old or the new owner in the City for one year from the date of the violation.
- (e) Should a licensee make application to the City Manager for a transfer of location, and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$300.00.

**Sec. 4-28. License fee scale.**

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the Mayor and Council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the fees set forth in section 4-29.

**Sec. 4-29. License fees enumerated.**

License fees applicable to this article are set out as follows:

- (1) Retail dealers of distilled spirits to be consumed on the premises, \$4,000.00 per year

(subject to fixed bar/moveable bar regulations).

- (2) Retail dealers of beer to be consumed on the premises, \$1,000.00 per year (subject to fixed bar/moveable bar regulations).
- (3) Retail dealers of wine to be consumed on the premises, \$1,000.00 per year (subject to fixed bar/moveable bar regulations).
- (4) Retail dealers of beer and wine to be consumed on the premises, \$2,000.00 per year (subject to fixed bar/moveable bar regulations).
- (5) Retail dealers of beer sold in original packages for consumption off the premises, \$1,000.00 per year.
- (6) Retail dealers of wine sold in original packages for consumption off the premises, \$1,000.00 per year.
- (7) Retail dealers of beer and wine sold in original packages for consumption off the premises, \$2,000.00 per year.
- (8) Wholesale dealers in beer, whose principal place of business is in the City, \$300.00 per year.
- (9) Wholesale dealers in wine, whose principal place of business is in the City, \$300.00 per year.
- (10) Wholesale dealers in beer and wine, whose principal place of business is in the City, \$600.00 per year.
- (11) Any additional fixed bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$600.00 per year.
- (12) Any movable bar at any previously licensed location for consumption of alcoholic beverages on the premises, \$200.00 per year.
- (13) Temporary license for nonprofit civic organizations, \$50.00 per day, maximum five days per year.
- (14) Nonprofit private club beer to be consumed on the premises, \$500.00 per year.
- (15) Nonprofit private club wine to be consumed on the premises, \$500.00 per year.
- (16) Nonprofit private club beer and wine to be consumed on the premises, \$1,000.00 per year.
- (17) Nonprofit private club distilled spirits to be consumed on the premises, \$2,000.00 per year.

- (18) Hotel-motel in-room service, \$100.00 per year.
- (19) Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.
- (20) Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.
- (21) Patio sales, \$200.00 per year.
- (22) Catering license, \$200.00 per year.
- (23) Catering permit for out-of-jurisdiction catering licensee, \$50.00 per event.
- (24) Wine shop license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (25) Performing arts facility license, \$1,500.00 per year (subject to fixed bar/moveable bar regulations).
- (26) Indoor special events facility license, \$2,000.00 per year.
- (27) Art shop license, \$500.00 per year.
- (28) Brewpub license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (29) Growler shop license, \$500.00 per year (subject to fixed bar/moveable bar regulations).
- (30) Brewer's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (31) Distiller's license, \$2,500.00 per year (subject to fixed bar/moveable bar regulations).
- (32) Alcoholic frozen consumables license, \$100.00 per year.

**Sec. 4-30. Reporting of employees to the City Manager.**

It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the City Manager the name of the establishment, the license number, and a list of all employees, including each employees' home addresses and a telephone number for each employee twice annually, once during the month of June and again during the month of December. Failure to file this report may result in the suspension or revocation of any license or permit issued under this chapter.

**Secs. 4-31—4-46. Reserved.**

***ARTICLE III. ALCOHOL EXCISE TAX***

**Sec. 4-47. Per drink excise tax.**

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such tax shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the city on or before the 20th day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all sales regardless of method of payment, and shall be reported and taxes collected thereon shall be submitted to the City Manager to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from State tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended, provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received in the Office of the City Manager after the 20th day of the month shall be charged interest and penalties in accordance with this section.
  - (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
  - (2) In addition to interest in (b)1 above, a five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.
- (c) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$300.00 for each offense and/or 30 days in the common jail of the County and the license of such location may be suspended or revoked.

**Sec. 4-48. Excise tax and bond requirement on wholesalers.**

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to



retailers in the City of Lawrenceville. Such tax shall be paid to the City Manager by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City of Lawrenceville as follows: each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees under this article shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this article for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of the said tax.

- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City of Lawrenceville at the rate of \$0.05 per 12-ounce container and \$6.00 for each container of tap or draft beer or malt beverage of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

Size of Container	Tax Per Container
7 ounces	\$0.0291
8 ounces	\$0.0333
12 ounces	\$0.0500
14 ounces	\$0.0583
16 ounces	\$0.0666
32 ounces	\$0.1333
½ barrel (15½ gallons)	\$6.00
1 barrel (31 gallons)	\$12.00

- (c) *Collection of fees or taxes sums due.* Excise taxes received in the Office of the City Manager after the 20th day of the month shall be charged interest and penalties in accordance with this section.

- (1) Interest calculations that apply to late alcoholic beverage tax payments will be based on an annual calculation of the federal prime rate, plus three percent. Interest rate will change when the federal reserve announces the new bank prime loan rate each January.
- (2) In addition to interest in (c)1 above, a A five percent penalty will be assessed after 120 days with an additional five percent assessed after each successive 120 days, to a maximum of 20 percent of the principal amount due until all taxes are collected by the City.
- (3) If any person shall fail to pay the sum due under this article, the City Manager shall

issue an execution against the person so delinquent and his property for the amount of the delinquent fee or tax.

- (d) The provisions of this section shall apply to brewers in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81.
- (e) The provisions of this section shall apply to brewpubs in accordance with O.C.G.A. § 3-5-36.
- (f) The provisions of this section shall apply to distillers in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61.

**Secs. 4-49—4-69. Reserved.**

#### ***ARTICLE IV. GENERAL REGULATIONS***

**Sec. 4-70. Drinking in public; consumption of alcohol on City streets prohibited or limited in certain areas.**

- (a) Except as provided in subsection (b) of this section or in a licensed establishment, it shall be unlawful for any person to consume any alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in subsection (b) of this section, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of an alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building within the City limits.
- (b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below:
  - (1) Inside the Historic Courthouse Building by a licensed caterer as set forth in section 4-144;
  - (2) On the patio of a licensed establishment which meets all of the requirements and is specifically licensed for patio sales in accordance with section 4-146;
  - (3) Outdoor special event permit.
    - (i) This subsection shall apply to all events except those exempted by (ii) below. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by Mayor

and Council to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff's deputies from the County or one of its municipalities.

- (ii) This subsection shall apply only in the case of an event sponsored by the City. Outside in an area clearly marked for identification as an outdoor alcohol drinking area pursuant to a special event permit issued by the City Manager to allow consumption outside of a licensed establishment. Only establishments licensed and properly permitted by the State shall be eligible for special event permit and license under this subsection. An application fee of \$100.00 shall be submitted with the special event application. The license shall be granted for a maximum of three consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within an establishment licensed by the City for sale of alcohol for consumption on the premises;
- (4) A person may remove an alcoholic beverage purchased from an establishment licensed for consumption on the premises and possess and consume said alcoholic beverage subject to the following requirements:
- (i) The alcoholic beverage shall be purchased from an establishment licensed for consumption on the premises and located within the Downtown Entertainment District;
  - (ii) The alcoholic beverage shall be in a shatterproof or plastic cup no larger than 16 ounces;
  - (iii) Only one drink at a time per person may be carried out of an establishment;
  - (iv) The hours of open carry under this paragraph shall be Monday through Sunday from 11:00 a.m. until 11:59 p.m.
  - (v) The beverage cannot be carried into an establishment that does not serve

alcohol unless permitted by the establishment; and

- (vi) The area in which this subsection applies shall be known as the Downtown Entertainment District. The boundaries of the Downtown Entertainment District are established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Manager . If no such resolution and map has been adopted or if such resolution and map are repealed, there shall be no area in the City to which this subsection applies.

**Sec. 4-71. Outdoor special event permit minimum requirements.**

- (a) The following are minimum special event permit requirements for the exemptions set forth in subsection 4-70(b)(3).
  - (1) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant; however, there shall be a minimum of one security officer for all events. Security officers used to comply with this section shall be off-duty police officers or sheriff's deputies from Gwinnett County or one of its municipalities.
  - (2) An outdoor special event permit shall only be granted within the Downtown Entertainment District.
  - (3) A separate event application shall be required for any party/person/use seeking to obtain an outdoor special event permit.
- (b) The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in section 4-70(b)(3) and shall be made conditions of each special event permit issued for such exceptions:
  - (1) *Two drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup or aluminum container, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time and provided the alcohol is consumed in the area specified in the special event permit granted in subsection 4-70(b)(3).
  - (2) *Size limitation.* No container in which an alcoholic beverage is dispensed or served pursuant to subsection 4-70(b)(3) shall exceed 16 fluid ounces in size; provided, however, that beer or a malt beverage may be dispensed or served in a container up to but not exceeding 24 fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size, except for a container of beer or a malt beverage which shall

not exceed 24 fluid ounces in size.

- (3) *Drinking from glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass container or to possess in a glass container any alcoholic beverage outside or in the defined area.
- (4) *Drinking outside the designated area.* It shall be a violation of this article to take an alcoholic beverage served in the designated area outside of the designated area for any reason.
- (5) *Hours and days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the hours of sale provisions contained in this article.

**Sec. 4-72. Public drunkenness.**

It shall be unlawful for any person to be and appear in an intoxicated condition on any public or private street or highway within the City of Lawrenceville or within the curtilage of any private residence not in the exclusive possession of the person so intoxicated or at any place of business open to the public or at any other place or public gathering or assembly or place accessible to or visible to all members of the community. Said intoxication may be caused by the excessive use of intoxicating wines, beers, liquors, or opiates, or narcotics or other dangerous or hazardous drugs, and must be made manifest by boisterousness, or by indecent condition or actions or by vulgar, profane, or unbecoming language, or loud and violent discourse of the person so intoxicated, and further, a person may be deemed intoxicated within the meaning of this article where his excessive use of intoxicants produces such a material change in his normal mental status that his behavior becomes unpredictable and uncontrolled and, as a result, either:

- (1) Slight irritations, real or imaginary, cause outbursts of anger that find expression in acts of physical violence against another person, either police officers or citizens; or
- (2) The accused becomes unable to exercise any care for his own safety.

**Sec. 4-73. Possession of alcoholic beverages by a minor.**

It shall be unlawful for a person under the age of 21 to possess alcoholic beverages within the corporate limits of the City of Lawrenceville. The Municipal Court of the City of Lawrenceville shall have jurisdiction to try and dispose of cases where a person is charged with the possession of alcoholic beverages. No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his age in any manner whatever for the purpose of obtaining alcoholic beverages. Violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 and imprisonment not to exceed one year.

**Sec. 4-74. Registered agent.**

All licensed establishments must have and continuously maintain with the City a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee or owner may be served. This person must be a resident of Gwinnett County. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Manager in such form as may be prescribed.

**Sec. 4-75. Distance requirements.**

- (a) For the purposes of this section, distance shall be measured by the most direct route of travel on the ground in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale, to the front door of the building of a church, government owned treatment center, housing authority property, or to the nearest property line of the real property being used for school or educational purposes.
- (b) Within the boundaries of the Downtown Entertainment District, no license permitting the retail sale (package) of malt beverages or wine or both shall be issued for any proposed location which is:
  - (1) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.
- (c) Outside the boundaries of the Entertainment District, no license permitting the retail sale (package) of alcoholic beverages shall be issued for any proposed location which is:
  - (1) Within a distance of 100 yards of any private residence unless such residence is located in a commercially zoned (BN, BG, HSB) district;
  - (2) Within a distance of 100 yards of any church building;
  - (3) Within a distance of 100 yards of any public library or branch thereof;
  - (4) Within a distance of 100 yards of a public park;
  - (5) Within a distance of 200 yards of any school building, educational building, school grounds or college campus; or
  - (6) Within a distance of 100 yards of an alcoholic treatment center owned by the state or any county or municipal government.
- (d) No license permitting the retail sale of alcoholic beverages for consumption on the premises shall be issued for any proposed location which is within a distance of 100 yards of any housing authority property.
- (e) As used in this chapter, the Downtown Entertainment District shall mean the boundaries/area established by a map adopted by resolution of the City Council and a copy of said map shall be maintained in the office of the City Clerk. If no such resolution

and map has been adopted or if such resolution and map are repealed, there shall be no area in the City known as the Downtown Entertainment District.

- (f) As used in this section, the term "school building" or "educational building" shall apply only to State, County, City, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).
- (g) As used in this section, the term "church building" shall mean the main structure used by any religious organization for the purpose of worship.

**Sec. 4-76. Display of license at place of business.**

- (a) Each license issued under this chapter shall at all times be kept in public in a public area plainly exposed to view upon the licensed premises.
- (b) All retail consumption dealers and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign that clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."
- (c) Each retail business establishment which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place a notice which shall contain the provisions in the laws of this State which deal with the unlawful sale of such items to underage persons and the penalties for violating such laws.

**Sec. 4-77. Advertising; location requirements; signs.**

As a condition of the privilege of having a license and permit pursuant to this article, the holder agrees not to use any outdoor advertising or signs to promote the sale of alcoholic beverages or the prices of such beverages. No advertising or signs shall be permitted to be physically attached to the windows of any such establishment. Any signs or advertising inside the permitted location shall be of a size and type that is directed to customers inside the facility.

**Sec. 4-78. Retailer to purchase from licensed wholesaler only.**

- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed in accordance with State law. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this article; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The City Manager may request from time to time information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

**Sec. 4-79. Retail consumption dealers to store inventory only on premises.**

No retail consumption dealer licensed under this article shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

**Sec. 4-80. Adding to contents prohibited.**

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner. Notwithstanding the foregoing prohibition, retail package malt beverage licensees may fill and refill growlers with draft beer at a licensed location for retail package sales so long as the growler is not less than 32 ounces in volume and that said growler is sealed on premises with a tamper-proof plastic cap. A Brewer is a manufacturer and may fill or refill kegs, bottles, or cans with products manufactured at the licensed premises.

**Sec. 4-81. Familiarity with ordinance provisions; responsibility of licensee for violations.**

Each licensee hereunder shall make this article available for review in the licensed premises and shall instruct any person working therein with respect to the terms hereof and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the State or of the rules and regulations of the State Revenue Commissioner.

**Sec. 4-82. Employment of underage persons prohibited; exceptions.**

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed under this article without written consent from the parents or guardian of the underage person. Written consent shall be maintained by the establishment until the entertainer is no longer working at the establishment or the entertainer has reached the age of 18 years old.

**Sec. 4-83. Underage sales and sales to intoxicated persons prohibited.**

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages shall do any of the following upon the licensed premises:



- (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
- (2) The prohibition in subsection (1) of this section shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purposes of this subsection, the term "proper identification" means any document issued by a government agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
- (3) It shall be a violation not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his possession alcoholic beverages while in a licensed establishment. The term "identification," in this section, means any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or ID card issued by a governmental entity.
- (4) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian; and provided further that this section shall not apply to minors who are employees under the terms of this article.
- (5) It shall be unlawful to sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.
- (6) The penalty for violation of this section by an individual shall be as follows:
  - a. For the first offense, a minimum fine of \$250.00 and a requirement to attend a training class approved by the City.
  - b. For the second offense and subsequent violations, a minimum fine of \$500.00.
  - c. Any licensed establishment where three or more violations of this section,

or O.C.G.A. § 3-3-23, have occurred within any 36-month period shall be punished as follows:

1. For the third offense within any 36-month period, suspension of license for a period not to exceed 90 days.
2. For the fourth and any subsequent violation within any 36-month period, suspension of license for a period not to exceed one year.

**Sec. 4-84. Promotions and sales.**

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
- (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
  - (2) Deliver more than one alcoholic beverage to one person at a time.
  - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar day, except at private functions not opened to the public.
  - (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public.
  - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week.
  - (7) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a written schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from hour to hour within a single day. The written schedule of prices shall be available to the paying public, and the schedule shall be effective for not less than one calendar day.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic

beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.

- (e) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately, and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
- (f) Licensees guilty of violating this section may be subject to revocation proceedings.

**Sec. 4-85. Sale on election days.**

- (a) The sale of wholesale and retail of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing in this section shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.
- (b) All ordinances and parts of ordinances in conflict with this section are hereby expressly repealed.

**Sec. 4-86. Bring your own bottle (brown bagging) prohibited.**

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided, however, that the establishments that meet the definition of a restaurant set forth in this chapter and that are licensed pursuant to this chapter as a retail dealer of distilled spirits to be consumed on the premises, and/or a retail dealer of beer to be consumed on the premises, and/or a retail dealer of wine to be consumed on the premises may allow customers to bring in a bottle or bottles of wine and charge a corkage fee as a convenience charge for opening and serving the wine brought in by the customer. Facilities licensed as an art shop under this chapter may also allow customers to bring in a bottle or bottles of wine and/or beer subject to the specific provisions governing the operation of an art shop.

**Sec. 4-87. Removing a partially consumed bottle of wine from a restaurant.**

A partially consumed bottle of wine purchased with a meal from a restaurant and resealed may be removed from the restaurant by a patron as permitted by O.C.G.A. § 3-6-4 and Ga. Comp. Rules and Regs. 40-6-253(2).

**Sec. 4-88. Package sales not permitted.**

Nothing in this chapter shall be construed to permit the package sale of distilled spirits or spirituous liquor.

**Sec. 4-89. Criminal gangs and criminal activity.**

The Mayor and Council shall have the right to revoke any license or permit issued under this chapter after a hearing if by a preponderance of the evidence it is established that the licensed establishment is participating in helping, fostering, harboring, or encouraging the unlawful activities described in Chapter 26 or any other criminal activity.

**Sec. 4-90. Fixed bar and moveable bar regulations.**

All licensees are entitled to one bar. A licensee may permit additional fixed or moveable bar(s) subject to the fee schedule in this chapter and subject to the regulations set below:

- (1) A map showing the location of any additional fixed or moveable bar shall be submitted to the City Manager for approval.
- (2) The City Manager may limit the number of additional fixed or moveable bars based on the square footage of the licensed establishment.
- (3) A moveable bar shall be a temporary bar that is used occasionally and is not in regular operation.

**Secs. 4-91—4-106. Reserved.**

***ARTICLE V. AUDITS, INSPECTION, PENALTIES AND REVOCATION/SUSPENSION OF LICENSE***

**Sec. 4-107. Records and audits of licensees.**

- (a) All licensed establishments must maintain the following records for a three-year period and make them available to authorized City representatives for audit at the licensed premises:
  - (1) Monthly income or operating statements.
  - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
  - (3) Daily cash register receipts such as Z tapes or guest tickets.
  - (4) Monthly State sales and use tax reports.
  - (5) Daily purchase receipts for liquor, beer and wine.
  - (6) Federal and State income tax returns.
- (b) The City Manager is authorized to conduct an audit of the records and books of any

licensee at any time to ensure compliance with this chapter. The City Manager may designate a City employee or other designated person to perform the audits authorized in this section.

- (c) The City Manager, or authorized designee conducting an audit shall notify the licensee of the date, time and place of the audit not less than 24 hours prior to the audit.
- (d) A licensee who fails to cooperate with the audit authorized under this section shall be subject to revocation of his license.
- (e) A licensee who is unable to produce the records required to be maintained by this section shall be subject to revocation of his license.
- (f) A licensee who produces incomplete, erroneous, or fraudulent records shall be subject to revocation of his license.

**Sec. 4-108. Inspection of licensed establishments by the City.**

In addition to the audit provisions set forth in section 4-107, sworn officers of the city's Police Department, city code enforcement officers, and other personnel designated by the City Manager shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and State law. This section is not intended to limit the authority of any other City officer to conduct inspections authorized by other provisions of this Code.

**Sec. 4-109. Suspension or revocation of license.**

- (a) A license may be suspended or revoked by the City Manager where the licensee furnishes fraudulent or untruthful information in the application for a license or for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked. The City Manager shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of any provision of this chapter shall be subject to immediate revocation or suspension.
- (d) The City Manager shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.
- (e) The City Manager shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City Manager may suspend or revoke the license of any establishment which does

not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him.

- (g) An act or omission of a licensee, owner of more than ten percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed which constitutes a violation of federal or State law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City Manager determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City Manager must determine that the acts of the employee were known to or, under reasonable circumstances should have been known to, the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the City, the license may be suspended or revoked.
- (i) Wherever this article permits the City Manager to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
  - (1) No suspension shall be for a period of time longer than the time remaining on such license.
  - (2) The following factors may be considered on any revocation or suspension as set out in this section:
    - a. Consistency of penalties mandated by this chapter and those set by the City Manager;
    - b. Likelihood of deterring future wrongdoing;
    - c. Impact of the offense on the community;
    - d. Any mitigating circumstances or remedial or corrective steps taken by licensee;
    - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

**Sec. 4-110. License revocation/suspension hearings.**

- (a) No license shall be denied, suspended, or revoked without the opportunity for a hearing

as provided in this section. This provision does apply to pouring permits for employees.

- (b) The City Manager shall provide written notice to the applicant or licensee of his order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City Manager may have a review of a final action by appeal to the Board of Appeals. Such appeal shall be by written petition, filed in the Office of the City Manager within 15 days after the final order or action of the City Manager and, in order to defray administrative costs, must be accompanied by a filing fee of \$500.00; except that the filing fee for appeals relating only to pouring permits for employees shall be \$50.00. The City Manager, at his discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing the appeal. The Board of Appeals may, at the request of the appellant, refund the filing fee by a majority vote.
- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing with the City Manager unless a continuance of such date is agreed to by the appellant and the City Manager. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. The appellant shall have the burden of proof on any such appeal.
- (d) Before hearing an appeal, each member of the Board of Appeals shall confirm on the record that he is not related to any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any member be unable to truthfully make such confirmation, that member shall not serve on that appeal, and the case shall be heard by the remaining members of the Board of Appeals.
- (e) The Board of Appeals shall be authorized to affirm the recommendation of the City Manager, reduce a proposed revocation to a suspension for a certain number of days, or to reduce the duration of a proposed suspension.
- (f) The findings of the Board of Appeals shall be forwarded to the City Manager within 15 days after the conclusion of the hearing, and it shall be the duty of the City Manager to notify the appellant of the action of the Board of Appeals.
- (g) The findings of the Board of Appeals shall not be set aside unless found to be:
  - (1) Contrary to law or ordinances;
  - (2) Unsupported by substantial evidence on the records as a whole; or
  - (3) Unreasonable.
- (h) The findings of the Board of Appeals shall be final unless appealed within 30 days of the

date of the finding by certiorari to the Superior Court of Gwinnett County.

**Sec. 4-111. Notice.**

For the purpose of this chapter, notice shall be deemed delivered when personally served or when served by certified mail within three days after the date of deposit in the U.S. mail.

**Sec. 4-112. Penalties for violation of article.**

Except as otherwise provided in this chapter, any person who violates any provisions of the sections in this article may, upon conviction in the Municipal Court, be punished by a fine of not more than \$1,000.00 for each offense and/or one year in jail.

**Sec. 4-113. Notice to Georgia Department of Revenue of violations.**

(a) As used in this section, the following terms shall mean:

*Bar* means any premises at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.

*Disciplinary action* means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

*Governmental entity* means the United States government, any state government, any local government, and any department, agency, or instrumentality thereof.

*Licensee* means any person issued a license pursuant to this chapter that meets the definition of a bar.

(b) Within 45 days of any disciplinary action, the licensee shall notify the Georgia Department of Revenue ("Department") of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the Department.

(c) Every county or municipality which issues licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages shall by resolution or ordinance adopt a policy and implement a process by which any disciplinary action against a licensee shall be reported to the department within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.

**Secs. 4-114—4-137. Reserved.**



## **ARTICLE VI. REGULATION OF ALCOHOL SALES FOR CONSUMPTION ON THE PREMISES**

### **Sec. 4-138. Retail sales of malt beverages and wine for consumption on the premises.**

No beer or wine may be sold by the drink for consumption on the premises where sold except pursuant to a license and under one of the following categories:

- (1) In restaurants with a seating capacity of at least 30 people, excluding stools and counter seating, regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of beer and wine.
- (2) In zoning districts where such restaurants are conforming uses or where such establishments are incidental to a hotel.
- (3) In indoor commercial recreation establishments.
- (4) In an indoor publicly owned civic and cultural center.
- (5) In a performing arts facility where the facility meets the definition for a performing arts facility set forth in section 4-2 (establishment located in the Downtown Entertainment District; operates in a building owned by the City or the Lawrenceville Building Authority, has its principal objective or business as the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy; and does not feature, show, allow, promote or advertise adult businesses as defined and as defined and regulated in City of Lawrenceville Ordinances Chapter 12, including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments); provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
  - a. A business meeting the definition of a performing arts facility under this Code shall be eligible to apply for and be considered for an annual license to allow alcohol consumption on the premises from the City Manager in the same manner as set forth in article II of this chapter.
  - b. A business granted a performing arts facility license for consumption of alcohol on the premises shall be required to obtain all required licenses from the State and to follow all State and local laws, ordinances and rules governing the consumption of alcohol on the premises.

- c. Alcohol may also be sold and/or dispensed at a performing arts facility as defined in section 4-2 by a licensed caterer in the same manner set forth in section 4-144 without the need for the facility or the caterer to obtain a performing arts facility license.
  - d. In addition to the hours of sale requirements set out in section 4-139, alcohol may not be dispensed at a performing arts facility earlier than one hour before the start of a performance or later than one hour after the performance has ended.
- (6) In a wine shop under the conditions set forth in section 4-147.
  - (7) In a brewery, provided that only beer is sold and such establishment meets all requirements of O.C.G.A. § 3-5-24.1.
  - (8) In indoor special event facilities under the conditions set forth in section 4-156.

**Sec. 4-139. Hours of sale of beer/wine for consumption on the premises.**

- (a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of beer and/or wine for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
  - (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) In any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Beer and/or wine may be sold for consumption on the premises from the hours of 12:00

midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

**Sec. 4-140. Distilled spirits consumption on the premises.**

- (a) No distilled spirits may be sold by the drink for consumption on the premises where sold except:
  - (1) In restaurants regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the County Health and Fire Departments. Such restaurant shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
  - (2) In zoning districts where such restaurants are conforming uses or where such establishments are incident to a hotel.
  - (3) In indoor commercial recreation establishments.
  - (4) In an indoor publicly owned civic and cultural center.
  - (5) In a performing arts facility which holds a performing arts facility alcohol license, and which meets all of the definitional requirements set forth in this chapter; provided, however, that a performing arts facility license shall not authorize the licensee to serve or sell alcohol in any location other than the performing arts facility.
  - (6) In a distillery as permitted by O.C.G.A. § 3-4-24.2.
  - (7) In indoor special event facilities under the conditions set forth in section 4-156.
- (b) Any restaurant or indoor commercial recreational establishments where distilled spirits are to be consumed on the premises shall also meet the following requirements:
  - (1) Such establishments shall have a seating capacity of at least 30 people, excluding stools and counters;
  - (2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;
  - (3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of distilled spirits to be consumed on the premises as incidental thereto. Eating establishments serving full course meals during an extended period of not less than five hours per day at least six days per week shall be deemed to be serving

two meals per day.

**Sec. 4-141. Distilled spirits consumption on the premises hours and days of sale and additional restrictions.**

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. It shall be unlawful for businesses holding a consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- (b) No consumption on the premises license holder shall furnish, sell, or offer for sale any distilled spirits at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in:
  - (1) Any licensed restaurant which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.
- (e) Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.

**Sec. 4-142. No consumption outside premises.**

Except as allowed in sections 4-70 and 4-146, the following restrictions shall apply:

- (1) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out.

(2) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

(3) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

**Sec. 4-143. Reserved.**

**Sec. 4-144. Licensed caterers.**

(a) Notwithstanding any other provision of this chapter to the contrary, a licensed caterer shall be permitted to sell alcoholic beverages for consumption on the premises of a duly authorized catered event held at one of the following locations:

(1) Performing arts facilities as defined in this chapter;

(2) Indoor publicly owned civic and cultural centers as defined in this chapter (the City-owned Depot building and the Historic Courthouse);

(3) Indoor special event facilities as defined in this chapter; and

(4) An authorized outdoor special event which has been granted an outdoor special event permit in accordance with subsection 4-70(b)(3).

(b) A licensed caterer authorized under this section must be a retail dealer licensed pursuant to State law and must possess the following licenses and permits:

(1) A license permitting the sale of alcoholic beverages for consumption on the premises issued by the city or another licensing jurisdiction;

(2) An alcoholic beverage catering license issued by the City or another licensing jurisdiction; and

(3) An off-premises permit for the specific event being catered.

(c) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section shall make written application to the City Manager for the appropriate off-premises permit. The application shall include, but not be limited to, the name, address and telephone number of the applicant; the date, address and time of the proposed catered event and the licensed alcoholic beverage caterer's State license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. If an applicant has had his license to sell alcohol by the drink for consumption on the premises issued by another jurisdiction, the application shall be accompanied by an off-premises permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. If an applicant has had his license to sell alcohol by the drink

for consumption on the premises issued by the City, such off-premises permit fee is waived. However, such permit must still be obtained.

- (d) The City Manager shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.
- (e) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for an off-premises permit shall be cause for the denial or revocation thereof.
- (f) If such off-premises permit is granted by the City Manager, it shall be good only for the specific event at the specified address, for the date(s) and time set forth in the application.
- (g) Except as set forth in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

**Sec. 4-145. Pouring permit required.**

- (a) No person shall be employed to dispense, sell, serve, take orders for, or mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has applied for and received a permit from the City of Lawrenceville, indicating that the person is eligible and has been issued a pouring permit.
- (b) This section shall not be construed to include employees whose duties are limited solely to those of host, bus boy, cook, or dishwasher. Poured alcoholic beverages shall be transported from the point of dispensing to the customer only by employees that possess a City of Lawrenceville pouring permit.
- (c) No permit shall be processed until such time as a signed application has been filed with the City Manager, and a fee as established by the Mayor and Council has been paid. The application shall be made on forms approved by the City Manager.
- (d) The City Manager shall conduct a background check on each applicant to determine whether the applicant is eligible to hold a permit. If it is found that the person is not eligible for a permit, the City Manager shall notify the person, in writing, that he is not eligible to receive a permit, the cause of such denial and the right to appeal.
- (e) No person shall be granted a pouring permit if the City Manager determines that such person has been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual-related crime within a period of five years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First

Offender Act shall not apply to such consideration. A person's first-time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or County ordinance shall not, by itself, make a person ineligible for an alcohol pouring permit. An applicant who is found to have falsified an application or any information therein shall be denied a permit.

- (f) An alcohol pouring permit shall be issued for a period of one calendar year from the date of the original application. The alcohol pouring permit must be in the possession of the holder while the holder is working at the licensed establishment. This permit must be available for inspection by the City Manager.
- (g) All permits issued through administrative error shall be terminated and seized by the City Manager.
- (h) Replacement permits may be issued upon paying one-half of the fees charged for an original permit. The original expiration date shall remain in force for any replacement permit.
- (i) All permits issued under this chapter remain the property of the City Manager and shall be produced for inspection upon the demand of any employee or designee of the City.
- (j) No licensee shall allow any employee or manager required to hold a permit to work on the premises unless the employee or manager has in his possession a current valid City pouring permit. For new employees, a receipt issued by the City Manager may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in his possession a valid current alcohol pouring permit.
- (k) The penalty for service of alcoholic beverages to a minor by an individual who holds an alcoholic beverage pouring permit shall be as follows:
  - (1) For the first offense, a minimum fine of \$250.00;
  - (2) For the second offense and subsequent violations, a minimum fine of \$500.00;
  - (3) Any individual holding an alcoholic beverage pouring permit where three or more violations of serving alcoholic beverages to a minor have occurred within any 36-month period shall be punished as follows:
    - a. For the third offense within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed 90 days.
    - b. For the fourth and any subsequent violation within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed one year.

**Sec. 4-146. Open area and patio sales.**

- (a) Alcoholic beverage sales may be made by a licensed consumption on-premises establishment in a patio/open sales area type environment if the establishment has been approved to do so by the City Manager.
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of 3.5 feet above ground level. It does not have to be solid, nor does it have to restrict visibility into or out of the patio/open sales area. It must be submitted to and approved by the City Manager.
- (d) The only exit from this type of area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided that such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel.
- (f) Notwithstanding any provisions to the contrary in this section, any licensed consumption on premises establishment permitted to sell alcoholic beverages in a patio/open sales area type environment which is located in the Downtown Entertainment District shall not be required to meet the requirements of (b), (c) and (d) above. The patio/open area shall be clearly separated from the public sidewalk or right-of-way and shall be under the exclusive control of the licensed establishment.

**Sec. 4-147. Wine shop.**

- (a) Notwithstanding any other provision of this chapter to the contrary, the City Manager is authorized to issue a wine shop license to businesses:
  - (1) Which meet all other license application requirements set forth in this chapter and shall be located in the Downtown Entertainment District
- (b) A wine shop established under this section may:
  - (1) Sell and serve beer and wine by the drink for consumption on the premises. The total amount of beer served to a patron for consumption on the premises shall not exceed a total of 32 ounces in volume to any one individual within a 2-hour



period, but if a person is sold a high gravity beer the total sample amount in a 2-hour period shall be reduced to 20 ounces in volume. The total amount of wine served to a patron for consumption on the premises shall not exceed a total of 12 ounces in volume to any one individual within a 2-hour period. A wine shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this section is that the primary purpose of a wine shop is to be a package off premises operation but may allow consumption on the premises as part of its operations. The intent of this provision is to restrict the amount sold to one individual to the lowest volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.

- (2) Sell wine and beer by the package must remain sealed on the licensed premises with a tamper proof cap and may not thereafter be opened or consumed on the premises.
- (c) Nothing in this subsection shall prohibit a wine shop from serving food. In order to serve alcohol for consumption on the premises on Sunday, the establishment must receive 50% of its revenue from the sale of prepared meals or food in accordance with the requirements of O.C.G.A. Section 3-3-7 as currently exist or as may be amended in the future.

**Sec. 4-148. Private clubs.**

- (a) Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the City governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the City.
- (b) Veteran organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food as a condition of licensing for consumption on the premises. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.
- (c) Alcoholic beverages shall not be sold for consumption on the premises at a private club except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- (d) No private club consumption on the premises license holder shall furnish, sell, or offer for sale any alcoholic beverages at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council. It shall be unlawful for private clubs holding a consumption on the premises license to fail to remove from its service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other containers used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic

beverages on its premises one hour or more after the club is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest.

- (e) The sale of alcoholic beverages for consumption on the premises is permitted in a private club on Sundays from 11:00 a.m. until 12:00 midnight in:
  - (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
  - (2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
  - (3) An indoor publicly owned civic and cultural center under the standards established by the required special use permit.
- (f) Alcoholic beverages may be sold for consumption on the premises at a private club from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

**Sec. 4-149. Art shop.**

- (a) Notwithstanding any other provision of this chapter to the contrary, the City Manager is authorized to issue an art shop license to businesses:
  - (1) Located in the Downtown Entertainment District;
  - (2) Which meet all other license application requirements set forth in this chapter; and
  - (3) Which operate as an art shop.
- (b) An art shop established under this section may allow customers to bring in bottles of wine and beer to be consumed on the premises, except on Sundays.
  - (1) Any wine and/or beer served on the premises shall only be served by an employee of the art shop otherwise authorized to serve alcoholic beverages under this article.
  - (2) No customer of an art shop shall consume more than two six-ounce servings of wine or two 12-ounce servings of beer during a three-hour period or four six-ounce servings of wine or four 12-ounce servings of beer within a single business day.
  - (3) The serving of wine and/or beer in an art shop shall be subject to all of the provisions related to the service of other alcoholic beverages under this article,

including, but not limited to, the prohibition of serving wine or beer to anyone under 21 years of age or to anyone intoxicated.

- (c) Nothing in this section shall prohibit an art shop from serving food, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.

**Sec. 4-150. Brewpub.**

- (a) No person shall be permitted to own or operate a brewpub without first obtaining a brewpub license from the City Manager pursuant to the same procedures as are set forth in this chapter, and each brewpub license holder shall comply with all other applicable state and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
  - (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail.
  - (2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only; and
  - (3) Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining another license authorized under this chapter for the same premises.
- (d) A brewpub license does not authorize the holder of such license to sell alcoholic beverages at retail by package for consumption off the premises.
- (e) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers.
- (f) A brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required.
- (g) Except as set forth in this section, a brewpub license holder shall be subject to all

provisions of this chapter.

**Sec. 4-151. Growler shop.**

- (a) No person shall be permitted to own or operate a growler shop without first obtaining a growler shop license from the City Manager pursuant to the same procedures as are set forth in this article, and each growler shop license holder shall comply with all other applicable State and local requirements.
- (b) A growler shop shall be located in the Downtown Entertainment District. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the growler shop may fill or refill growlers with draft beer or wine at a growler shop as provided in this section in a growler not smaller than 12 ounces in volume and not to exceed 68 ounces in volume.
- (d) A growler shop shall be authorized to sell samples of draft beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample amount in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of 12 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this section is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.
- (e) In addition to growlers, a growler shop may sell beer and/or wine in cans, bottles, or other sealed package as a retail dealer. The growler shop shall be authorized to sell samples of beer or wine to patrons over the age of 21 years. Samples of beer whether under subsection (d) or (e) shall not exceed a total of 32 ounces in volume to any one individual within a 24-hour period, but if a person is sold a sample of high gravity beer the total sample amount in a 24-hour period shall be reduced to 20 ounces in volume. Samples of wine whether under subsection (d) or (e) shall not exceed a total of 12 ounces in volume to any one individual within a 24-hour period. A growler shop shall not be permitted to sell 20/32 ounces of beer and 12 ounces of wine to one individual. The intent of this ordinance is that the primary purpose of a growler shop is to be a package off premises operation but may provide samples as an ancillary part of its operations. The intent of this provision is to restrict the amount of the samples sold to one individual to the lowest

volume (12, 20 or 32 ounces) based on any combination of alcoholic beverage.

- (f) Nothing in this section shall prohibit a growler shop from serving food or other non-alcoholic products, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.

**Sec. 4-152. Brewer/brewery.**

- (a) A brewer shall be permitted to manufacture beer with the right to sell the product of the brewer for resale within and outside of the limits of the State of Georgia.
- (b) The right to sell the manufactured product of the brewer for resale within the City and the State of Georgia may be revoked separately from the right to manufacture and sell the product for resale outside of this State.
- (c) A licensed brewer may sell up to 3,000 barrels of beer per year produced at the brewer's licensed premises to individuals who are present on such premises for:
  - (1) Consumption on the premises; and
  - (2) Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of beer per consumer per day.
- (d) A licensed brewer shall be subject to the provisions related to hours and days of sale as set forth in section 4-139 of this chapter.
- (e) A licensed brewer shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-5-24.1 and 3-5-81 and section 4-48 of this Chapter.
- (f) A licensed brewer shall abide by all federal, state and local laws, regulations or rules. The failure to comply with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.

**Sec. 4-153. Distiller/distillery.**

- (a) A distiller shall be permitted to manufacture distilled spirits with the right to sell the product of the distiller for resale within and outside of the limits of the State of Georgia.
- (b) A licensed distiller may sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are present on such premises for consumption on the premises.
- (c) A licensed distiller shall be subject to the provisions related to hours and days of sale as set forth in section 4-140 of this chapter.

- (d) A licensed distiller shall submit excise taxes to the City on a monthly basis in accordance with O.C.G.A. §§ 3-4-24.2 and 3-4-61 and sections 4-47 and 4-48 of this chapter.
- (e) A licensed distiller shall abide by all federal, state and local laws, regulations or rules. The failure to comply with such laws, regulations or rules may serve as a basis for revocation of the license issued by the City.

**Sec. 4-154. Amenity license.**

- (a) A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity license. Eating establishments shall not be eligible for a beer and/or wine amenity license.
- (b) An amenity license shall allow the license holder to offer beer and/or wine for sell as an act of hospitality and shall not be part of the core operations of such establishments.
- (c) Amenity sales license permits the licensee to sell a patron either two (2) six (6) ounce glasses of wine or two (2) twelve (12) ounce serving of beer or other malt beverage per day.
- (d) In no event shall a licensee's total annual gross alcohol revenue exceed ten (10) percent of the licensee's gross annual revenues.
- (e) Amenity alcohol sales licensees shall be required to obtain a state alcohol license for consumption on the premises and except as expressly provided for herein, shall be subject to all state and local laws, rules and requirements, including licensing requirements and the other provisions of this chapter related to the sale of alcohol for consumption on the premises. Notwithstanding the foregoing, amenity sales licensees shall not be required as a condition of their license to post signs as required by this chapter.
- (f) Notwithstanding other provisions in this chapter regarding penalties for violation of this chapter, upon a determination that a holder of an amenity sales license has violated any provision of this chapter the license shall be revoked and the holder shall be ineligible to obtain an amenity sales license for a period of five (5) years following the effective date of the revocation.
- (g) The amenity permit application shall include a background check. A \$50.00 administrative fee shall be charged to cover this administrative process.

**Sec. 4-155. Alcoholic frozen consumables.**

- (a) An establishment that makes alcoholic frozen consumables shall be permitted to sell, serve, and/or dispense alcoholic frozen consumables.

- (b) Alcoholic frozen consumables shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday. The sale of alcoholic frozen consumables is permitted on Sundays from 11:00 a.m. until 12:00 midnight if the establishment derives at least 50 percent of its total annual gross sales from the sale of non-alcoholic frozen consumables and prepared meals or food in all of the combined retail outlets of the individual establishment.
- (c) Alcoholic frozen consumables may be carried in the Downtown Entertainment District in accordance with the provisions of section 4-70(b)(5).
- (d) Any establishment licensed under this section shall comply with all relevant and applicable provisions of this chapter.

**Sec. 4-156. Indoor Special Event Facility.**

In an indoor special event facility pursuant to a license issued by the City Manager setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. Alcohol may only be served at an indoor special events facility by a licensed caterer under the provisions set forth in section 4-144 or by the owner of the indoor special events facility in compliance with all applicable sections of this Chapter. If the indoor special events facility is located outside of the Downtown Entertainment District, in order to serve or allow alcohol to be consumed on the premises, the following additional requirements shall apply:

- (1) Minimum square footage of 3,000 sq. ft.
- (2) Minimum seating capacity of 200
- (3) All events must end and the premises must be vacated by 10:00 p.m.
- (4) All events must provide on-site security for safety and noise control with at least 1 security personnel per 75 attendees.
- (5) All parking areas serving the facility shall be well lighted.
- (6) No loitering shall be permitted outside of or in the parking lot of the facility and shall be enforced by the security personnel required above.

**Secs. 4-157—4-170. Reserved.**

***ARTICLE VII. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE***

**Sec. 4-171. Type of retail establishment where permitted.**

No beer or wine shall be sold at retail package except in the following establishments:

- (1) In retail establishments devoted principally to the retail sale of groceries and food products and which are located in zoning districts in which food establishments are permitted as a conforming use;
- (2) In retail establishments devoted principally to the retail sale of fish bait and fishing equipment and which are located in zoning districts in which retail sale of fish bait and fishing equipment are a permitted use;
- (3) In a licensed wine shop as set forth in section 4-147; or
- (4) In a licensed beer growler establishment where beer and malt beverages are sold.

**Sec. 4-172. Hours and days of sale.**

- (a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both, shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of State law, local ordinance or regulation, or special order of the Mayor and Council.

**Sec. 4-173. Use of tags or labels to indicate prices.**

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.

**Sec. 4-174. Quantity sale requirements.**

Single cans or bottles or other containers of alcoholic beverages may be sold.

**Secs. 4-175—4-201. Reserved.**

***ARTICLE VIII. WHOLESALERS***

**Sec. 4-202. License required.**

Any person, firm or corporation designed to sell at wholesale any beer, wine, or distilled spirits in the incorporated area of the City shall make application to the City Manager for a license to do so, which application shall be in writing on the forms authorized and prescribed by the City Manager. No beer, wine, or distilled spirits shall be delivered to any retail sales outlet in the City



except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicles.

**Secs. 4-203—4-227. Reserved.**

***ARTICLE IX. HOTEL-MOTEL IN-ROOM SERVICE***

**Sec. 4-228. License.**

- (a) The term "in-room service" means the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet all of the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee of \$100.00 for each hotel-motel shall be imposed to provide only beer and/or wine by in-room service.
- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.
- (e) Keys for in-room service shall only be sold to guests between the hours of 11:00 a.m. and 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. and 12:00 midnight on Sunday.

IT IS SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
David R. Still, Mayor

Attest:

\_\_\_\_\_  
Karen Pierce, City Clerk

